

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

4-13-05
Filing

HEIDI A. BAER,

Plaintiff,

v.

NATIONAL BOARD OF MEDICAL
EXAMINERS,

Defendant.

CIVIL ACTION NO. 05-10724-GAO

PLAINTIFF'S MOTION FOR SHORT ORDER NOTICE

Plaintiff Heidi A. Baer respectfully moves this Court to order that a hearing be held, on short notice, by no later than April 28, 2005, to hear oral argument on Plaintiff's Motion for a Preliminary and Permanent Injunction. As grounds for this request, and as set forth in the Verified Complaint, the Motion for a Preliminary and Permanent Injunction and memorandum in support of same, Plaintiff states that immediate relief is warranted to prevent Defendant from violating Title III of the Americans with Disabilities Act ("ADA") and the Massachusetts Public Accommodations Statute, by denying Plaintiff a reasonable accommodation of time and one-half within which to complete Steps 1, 2 and 3 of the United States Medical Licensing Examination ("USMLE").

Moreover, given that Plaintiff is scheduled to take Step 1 of the USMLE on May 5, 2005, an immediate decision on her Motion for a Preliminary and Permanent Injunction is necessary to ensure that her rights under Title III of the ADA and the Massachusetts Public Accommodations Statute are not violated.

Respectfully submitted,

HEIDI A. BAER

By her attorneys:

Bret A. Cohen, BBO # 637830
Carolyn A. Wiesenbahn, BBO # 641596
James M. Nicholas, BBO # 653892
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, Massachusetts 02111
(617) 542-6000

Dated: April 12, 2005

LIT 1514710v1

CERTIFICATE OF SERVICE

I, James M. Nicholas, attorney for the plaintiff, Heidi A. Baer, hereby certify that a true copy of the Plaintiff's Motion for Short Order Notice, was served on Tuesday, April 12, 2005, by hand upon the attorney for defendant National Board of Medical Examiners at the following address:

Joseph F. Savage, Esq.
Goodwin Proctor, LLP
Exchange Place
53 State Street
Boston, MA 02109

James M. Nicholas, Esq.

DATED: _____

LIT 1514976v1